

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

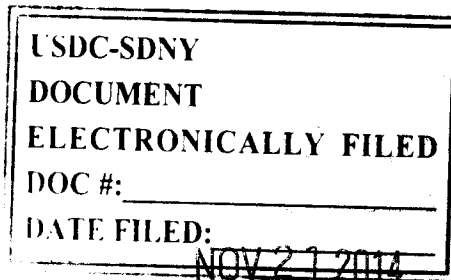
SPRINT COMMUNICATIONS COMPANY
L.P., ET AL.,

Plaintiffs,

-against-

ANDREW CHONG,

Defendant.



No. 13 Civ. 3846 (RA)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

RONNIE ABRAMS, United States District Judge:

On September 12, 2013, this Court entered a default judgment against Defendant Andrew Chong (formerly identified under the alias Andrew Leung), and granted Plaintiffs six months to conduct discovery as to damages. (Dkt. 26.) On September 13, 2013, the Court referred the action to Magistrate Judge Sarah Netburn to conduct an inquest and issue a report and recommendation concerning Plaintiffs' damages. (Dkt. 27.) Plaintiffs sought \$125, 874.15 in total damages. (Dkt. 41.) On July 14, 2014, Judge Netburn issued a Report and Recommendation ("Report") recommending a total award of \$116, 915.65. (Dkt. 45.) Judge Netburn concluded that Plaintiffs provided a sufficient basis for the award of damages as requested, but found it appropriate to reduce the attorneys' fees sought. (Id.)

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "Within fourteen days after being served with a copy [of the report], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court." Id.; see also Fed. R. Civ. P. 72(b). "To accept the report and recommendation of a magistrate, to which no timely

objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

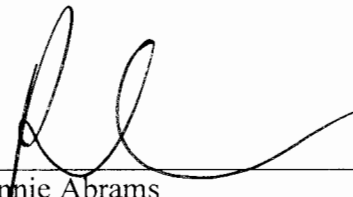
Here, although the Report provided that “[t]he parties shall have fourteen days from service of this Report and Recommendation to file written objections” (Report at 15), as determined by Fed. R. Civ. P. 6(a) and (d), no party has done so. Accordingly, the Court reviews the Report for clear error and, after careful review of the record, finds none. Judge Netburn’s thorough and well-reasoned Report is therefore adopted in its entirety, and Plaintiffs should be awarded \$116,915.65.

Finally, the Court notes that “[w]here, as here, the magistrate judge’s report states that failure to object will preclude appellate review and no objection is made within the allotted time, then failure to object generally operates as a waiver of the right to appellate review.” Kashelkar v. Village of Spring Valley, 320 F. App’x 53, 54 (2d Cir. 2009) (citing DeLeon v. Strack, 234 F. 3d 84, 86 (2d Cir. 2000)). For the reasons set forth in the Report, it is hereby:

ORDERED that Plaintiffs are awarded \$116,915.65 in damages.

SO ORDERED.

Dated: November 21, 2014
New York, New York



Ronnie Abrams
United States District Judge